**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO. 999 OF 2005**

Ishwar Gulab Gaikwad .. Applicant.

V/s.

The State of Maharashtra .. Respondent.

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Shri V.B. Tapkir for the Applicant.
Shri A.S. Gadkari, APP for Respondent - State.

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**CORAM : A.M.KHANWILKAR, J.**
**DATED : FEBRUARY 21, 2005**

**PC :-**

. Heard.

2. Having regard to the nature of evidence on record, indicating the complicity of the applicant and the seriousness of the offence, not a case for bail. Counsel for the applicant, however, vehemently relied on the submissions of Kumari Deepali and Master Rohan to contend that from their statement, it would appear that the deceased had herself caused injury on the head by hitting against the wall. The statements of these two witnesses have been recorded on 5th of November, 2004, whereas the incident in question has taken place on 28.10.2004. This aspect is a matter for trial. Suffice it to observe that the deceased

herself had disclosed the cause of injury to her brother who in turn had taken her to the hospital, where she succumbed to the injury. The injury on the other parts of the body supports the prosecution case of assault on the deceased. Accordingly, not a case for bail. Hence, rejected.

3. As the prayer for bail is rejected, the District Judge, Pune is directed to assign the case to the fast track court, if already not done, to ensure early disposal, preferably within six months from the receipt of the writ of this court.

4. The Application is disposed of in the above terms.

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